

**DECLARATION IN ORIGINAL APPLICATION**

**U.S. Attorney Docket No.: SP00-386**

As a below named inventor, I declare that:

My residence, Post Office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **Low Water Peak Optical Waveguide Fiber**.

The specification of which (check only one item below):

is attached hereto

was filed as United States Application Serial No. 10/023,291 on December 14, 2001 and was amended on (if applicable)

was filed as PCT international application number , on , and was amended under PCT Article 19 on (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, on the same subject matter, having a filing date before that of the application on which priority is claimed:

**Country:**  **Application No.:**  **Filing Date:**  
 **NONE**

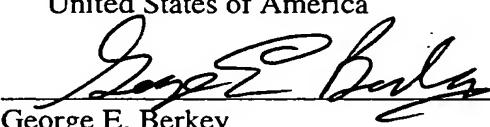
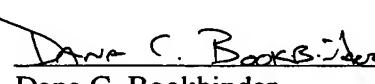
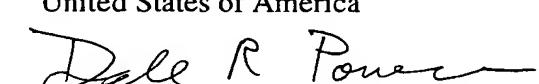
I hereby claim the benefit under Title 35 United States Code § 119(e) and § 120 of any United States application(s) or 365(c) of any PCT international application designating the United States listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35 United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37 Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

|                                     |   |   |                            |
|-------------------------------------|---|---|----------------------------|
| <input checked="" type="checkbox"/> | Provisional No.: 60/258,179<br>60/272,015 | Filed: December 22, 2000<br>February 28, 2001 | Status: Pending<br>Pending |
| <input type="checkbox"/>            | Application No.:                          | Filed:  | Status:                    |
|                                     | PCT Application No:                       | Filed:  | Status:                    |
| <input type="checkbox"/>            | NONE                                      |   |                            |

**DECLARATION IN ORIGINAL APPLICATION****U.S. Attorney Docket N .: SP00-386**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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|  |  |
|--|--|
| <b>Full Name of Inventor:</b>  | George E. Berkey                           |
| <b>Resident Address:</b>   | 11551 Riley Hill Road, Pine City, NY 14871 |
| <b>Post Office Address:</b>  | same                                       |
| <b>Citizenship:</b>  | United States of America                   |
| <b>DATE:</b>   | <u>3/07/02</u>                             |
| <br>George E. Berkey     |  |
| <b>Full Name of Inventor:</b>  | Dana C. Bookbinder                         |
| <b>Resident Address:</b>   | 2261 Davis Road, Corning, NY 14830         |
| <b>Post Office Address:</b>  | same                                       |
| <b>Citizenship:</b>  | United States of America                   |
| <b>DATE:</b>   | <u>February 26, 2002</u>                   |
| <br>Dana C. Bookbinder |  |
| <b>Full Name of Inventor:</b>  | Richard M. Fiacco                          |
| <b>Resident Address:</b>   | 83 East Fourth Street, Corning, NY 14830   |
| <b>Post Office Address:</b>  | same                                       |
| <b>Citizenship:</b>  | United States of America                   |
| <b>DATE:</b>   | <u>February 26, 2002</u>                   |
| <br>Richard M. Fiacco  |  |
| <b>Full Name of Inventor:</b>  | Dale R. Powers                             |
| <b>Resident Address:</b>   | 112 Weston Lane, Painted Post, NY 14870    |
| <b>Post Office Address:</b>  | same                                       |
| <b>Citizenship:</b>  | United States of America                   |
| <b>DATE:</b>   | <u>March 6, 2002</u>                       |
| <br>Dale R. Powers     |  |



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

SP00-386

JUNE 18, 2002

## PTAS

Chief Information Officer  
Washington, DC 20231  
[www.uspto.gov](http://www.uspto.gov)

CORNING INCORPORATED  
JOSEPH M. HOMA  
PATENT DEPARTMENT SP-TI-03-1  
CORNING, NEW YORK 14831



\*102063326A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 04/08/2002

REEL/FRAME: 012806/0130  
NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR: BERKEY, GEORGE E. DOC DATE: 03/07/2002

ASSIGNOR: BOOKBINDER, DANA C. DOC DATE: 02/26/2002

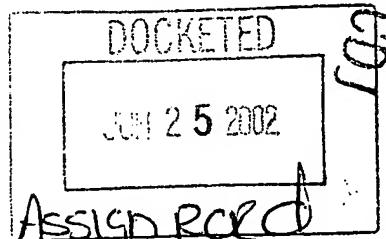
ASSIGNOR: FIACCO, RICHARD M. DOC DATE: 02/26/2002

ASSIGNOR: POWERS, DALE R. DOC DATE: 03/06/2002

ASSIGNEE:  
CORNING INCORPORATED

ATTN: DEPT. 7, 511-33-1  
CORTNNG, NEW YORK 14831

SERIAL NUMBER: 10023291 FILING DATE: 12/14/2001  
PATENT NUMBER: ISSUE DATE:



Received

JUN 24 2002

Patent Dept.

ALLYSON PURNELL, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

04-23-2002



Case Name: SP00-386

To the Honorable Com

102063326

CR SHEET

Record the attached documents or copy thereof.

(1) Conveying Party(ies):

George E. Berkey  
Dana C. Bookbinder  
Richard M. Fiacco  
Dale R. Powers

4.802

Title: Low Water Peak Optical Waveguide Fiber

Additional name(s) of conveying party(ies) attached? Yes  No

(2) Receiving Party: Corning Incorporated  
Patent Dept.; SP-TI-03-1  
Corning, NY 14831

(3) Nature of conveyance: Assignment executed: March 7, 2002, February 26, 2002, February 26, 2002, and March 6, 2002

(4) Application number(s) and/or patent number(s) against which this assignment is to be recorded:

A. Patent Application No.(s): 10/023,291  
Filing date: December 14, 2001

B. Patent No.(s):  
Filing date:

If this document is being filed together with a new application, this assignment is also to be recorded against said application, executed on \_\_\_\_.

(5) Name and address of party to whom correspondence concerning document should be mailed:

Name: Joseph M. Homa  
Reg. No. 40,023  
Corning Incorporated  
Patent Department  
SP-TI-03-1  
Corning, NY 14831  
Phone No.: (607) 974-9061

OFFICE OF PUBLIC RECORDS

200 APR -8 AM 8:24

FINANCE SECTION

(6) Total Number of applications and/or patents involved: one

(7) Total Fee = \$40.00

Enclosed (Check No. )  
 Included with filing fee. Check No. \_\_\_\_.  
 Authorization given by Corning Incorporated to charge deposit account number 03-3325 (attached is a triplicate copy of this page)

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Joseph M. Homa

3/28/02

Revision: July 28, 2000  
Document 11

04/19/2002 TDI01 0000031 033325 10023291

01 FC:581

40.00 CH

**ASSIGNMENT**

FOR VALUE RECEIVED, I, as a below named inventor, hereby sell, assign and transfer unto Corning Incorporated, a corporation organized and existing under the laws of the State of New York, having its principal place of business at Corning, New York, (hereinafter CORNING), as assignee, and unto its successors, assigns and legal representatives, the entire right, title and interest, for all countries, in and to certain inventions relating to a **Low Water Peak Optical Waveguide Fiber**, such inventions being generally described in an application for Letters Patent of the United States executed on

|             |                   |
|-------------|-------------------|
| <i>DATE</i> | March 7, 2002     |
| <i>DATE</i> | February 26, 2002 |
| <i>DATE</i> | February 26, 2002 |
| <i>DATE</i> | March 6, 2002     |

and in any future patent applications claiming the benefit of the filing date of that application, and all the rights and privileges under any and all Letters Patents that may be granted therefore.

I request that any and all patents for said inventions be issued to CORNING, its successors, assigns and legal representatives, or to such nominees as CORNING may designate.

I agree that, when requested, I will, without charge to CORNING and at CORNING's expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining patents for said inventions in any and all countries and for vesting title thereto in CORNING, its successors, assigns and legal representatives or nominees.

I authorize and empower CORNING, its successors, assigns and legal representatives or nominees, to invoke and claim for any application for patent or other form of protection for said inventions filed by it or them, the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for said Convention or entered as a supplement to, and to invoke and claim such right of priority without further written or oral authorization.

I hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any assignment, consent to file or like document which may be required in any country for any purpose and more particularly in proof of the right of CORNING, or its successors, assigns and legal representatives or nominees to claim the aforesaid benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it or entered as a supplement to it.

I covenant with CORNING, its successors, assigns and legal representatives or nominees, that the rights and property herein conveyed are free and clear of any encumbrance, and that I have full right to convey the same as herein expressed.

Signed at Corning, NY, this

March 7, 2002

Date

February 26, 2002

Date

February 26, 2002

Date

March 6, 2002

Date

George E. Berkey

George E. Berkey

Dana C. Bookbinder

Dana C. Bookbinder

Richard M. Fiacco

Richard M. Fiacco

Dale R. Powers

Dale R. Powers

State of New York)

: ss.

County of Steuben)

On the 7<sup>th</sup> day of March 2002, before me personally came George E. Berkey known to be the person described in and who executed the foregoing instrument, and acknowledged that they executed the same.

Charlene Hevey

Notary Public

CHARLENE HEVEY  
Notary Public, State Of New York  
No. 01HE6055884  
Qualified In Steuben County  
Commission Expires March 12, 2003

State of New York)

: ss.

County of Steuben)

On the 26<sup>th</sup> day of February 2002, before me personally came Dana C. Bookbinder known to be the person described in and who executed the foregoing instrument, and acknowledged that they executed the same.

Charlene Hevey

Notary Public

CHARLENE HEVEY  
Notary Public, State Of New York  
No. 01HE6055884  
Qualified In Steuben County  
Commission Expires March 12, 2003

State of New York)

: ss.

County of Steuben)

On the 26<sup>th</sup> day of February 2002, before me personally came Richard M. Fiacco known to be the person described in and who executed the foregoing instrument, and acknowledged that they executed the same.

Charlene Hevey

Notary Public

CHARLENE HEVEY  
Notary Public, State Of New York  
No. 01HE6055884  
Qualified In Steuben County  
Commission Expires March 12, 2003

State of New York)  
ss.  
County of Steuben)

On the 16<sup>th</sup> day of March 2003, before me personally came **Dale R. Powers** known to be the person described in and who executed the foregoing instrument, and acknowledged that they executed the same.

Charlene Hevey  
Notary Public

**CHARLENE HEVEY**  
Notary Public, State Of New York  
No. 01HE6055884  
Qualified In Steuben County  
Commission Expires March 12, 20 03

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**COMBINED**  
**CERTIFICATE UNDER**  
**37 C.F.R. § 3.73(b)**  
**and**  
**POWER OF ATTORNEY**

**Applicant(s):** Berkey, et al  
**Serial No.:** 10/023,291  
**Filed:** December 14, 2001  
**For:** Low Water Peak Optical Waveguide  
Fiber

Assistant Commissioner for Patents  
Washington, DC 20231

**CERTIFICATE UNDER 37 C.F.R. § 3.73(b)**

**CORNING INCORPORATED**, a New York corporation, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventor(s) of the patent application identified above. A true copy of the unrecorded Assignment is attached hereto.

The undersigned has reviewed the above referenced assignment of the patent application identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned is empowered to sign this certificate on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

(U.S.)  
386

Attorney Docket No.: SP00-

### POWER OF ATTORNEY BY ASSIGNEE

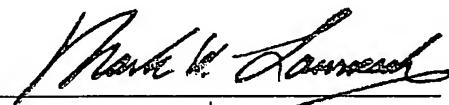
CORNING INCORPORATED, the assignee of the full and exclusive right, title and interest in and to the accompanying application for United States Letters Patent entitled **LOW WATER PEAK OPTICAL WAVEGUIDE FIBER** and executed by George E. Berkey, Dana C. Bookbinder, Richard M. Fiacco, Dale R. Powers on March 7, 2002, February 26, 2002, February 26, 2002, March 6, 2002, respectively, appoints the practitioners associated with the Customer Number provided below (i.e., the practitioners associated with the Patent Department, Corning Incorporated) to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith. Please direct all correspondence to Joseph M. Homa at the address associated with that Customer Number.

  Customer Number: 22928

CORNING INCORPORATED

Date: 8 March 2002

By

  
Mark W. Lauroesch  
Assistant Secretary

## ASSIGNMENT

FOR VALUE RECEIVED, I, as a below named inventor, hereby sell, assign and transfer unto Corning Incorporated, a corporation organized and existing under the laws of the State of New York, having its principal place of business at Corning, New York, (hereinafter CORNING), as assignee, and unto its successors, assigns and legal representatives, the entire right, title and interest, for all countries, in and to certain inventions relating to a **Low Water Peak Optical Waveguide Fiber**, such inventions being generally described in an application for Letters Patent of the United States executed on

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| <i>DATE</i> | February 26, 2002 |
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| <i>DATE</i> | March 6, 2002     |

and in any future patent applications claiming the benefit of the filing date of that application, and all the rights and privileges under any and all Letters Patents that may be granted therefore.

I request that any and all patents for said inventions be issued to CORNING, its successors, assigns and legal representatives, or to such nominees as CORNING may designate.

I agree that, when requested, I will, without charge to CORNING and at CORNING's expense, sign all papers, take all rightful oaths, and do all acts which may be necessary, desirable or convenient for securing and maintaining patents for said inventions in any and all countries and for vesting title thereto in CORNING, its successors, assigns and legal representatives or nominees.

I authorize and empower CORNING, its successors, assigns and legal representatives or nominees, to invoke and claim for any application for patent or other form of protection for said inventions filed by it or them, the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for said Convention or entered as a supplement to, and to invoke and claim such right of priority without further written or oral authorization.

I hereby consent that a copy of this assignment shall be deemed a full legal and formal equivalent of any assignment, consent to file or like document which may be required in any country for any purpose and more particularly in proof of the right of CORNING, or its successors, assigns and legal representatives or nominees to claim the aforesaid benefit of the right of priority provided by the International Convention for the Protection of Industrial Property, as amended, or by any convention which may henceforth be substituted for it or entered as a supplement to it.

I covenant with CORNING, its successors, assigns and legal representatives or nominees, that the rights and property herein conveyed are free and clear of any encumbrance, and that I have full right to convey the same as herein expressed.

Signed at Corning, NY, this

March 7, 2002

Date

February 26, 2002

Date

February 26, 2002

Date

March 6, 2002

Date

George E. Berkey

George E. Berkey

Dana C. Bookbinder

Dana C. Bookbinder

Richard M. Fiacco

Dale R. Powers

Dale R. Powers

State of New York)

: ss.

County of Steuben)

On the 7<sup>th</sup> day of March 2002, before me personally came **George E. Berkey** known to be the person described in and who executed the foregoing instrument, and acknowledged that they executed the same.

Charlene Hevey

Notary Public

CHARLENE HEVEY  
Notary Public, State Of New York  
No. 01HE6055884  
Qualified In Steuben County  
Commission Expires March 12, 2003

State of New York)

: ss.

County of Steuben)

On the 26<sup>th</sup> day of February 2002, before me personally came **Dana C. Bookbinder** known to be the person described in and who executed the foregoing instrument, and acknowledged that they executed the same.

Charlene Hevey

Notary Public

CHARLENE HEVEY  
Notary Public, State Of New York  
No. 01HE6055884  
Qualified In Steuben County  
Commission Expires March 12, 2003

State of New York)

: ss.

County of Steuben)

On the 26<sup>th</sup> day of February 2002, before me personally came **Richard M. Fiacco** known to be the person described in and who executed the foregoing instrument, and acknowledged that they executed the same.

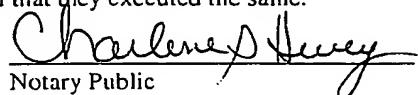
Charlene Hevey

Notary Public

CHARLENE HEVEY  
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No. 01HE6055884  
Qualified In Steuben County  
Commission Expires March 12, 2003

State of New York)  
: ss.  
County of Steuben)

On the 6<sup>th</sup> day of March 2003, before me personally came Dale R. Powers known to be the person described in and who executed the foregoing instrument, and acknowledged that they executed the same.

  
Charlene Hevey  
Notary Public

CHARLENE HEVEY  
Notary Public, State Of New York  
No. 01HE6055884  
Qualified In Steuben County  
Commission Expires March 12, 2003